

House Bill 2164

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Liquor Control Commission and Office of Regulatory Streamlining of Department of Consumer and Business Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows holder of winery license to sell malt beverages under special events winery license.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to winery licenses; creating new provisions; amending ORS 471.223; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 471.223 is amended to read:

6 471.223. (1) A winery license shall allow the licensee:

7 (a) To import, bottle, produce, blend, store, transport or export wines or cider.

8 (b) To sell wines or cider at wholesale to the Oregon Liquor Control Commission or to licensees
9 of the commission.

10 (c) To sell wines or cider at retail directly to the consumer for consumption on or off the li-
11 censed premises.

12 (d) To sell malt beverages at retail for consumption on or off the licensed premises.

13 (e) To conduct the activities allowed under paragraph (a), (b), (c) or (d), or all, of this subsection
14 at a second or third premises as may be designated by the commission.

15 (f) To purchase from or through the commission brandy or other distilled liquors for fortifying
16 wines.

17 (g) To obtain a special events winery license that shall entitle the holder to conduct the activ-
18 ities allowed under [*paragraph (c)*] **paragraphs (c) and (d)** of this subsection at a designated lo-
19 cation other than the one set forth in the winery license for a period not to exceed five days.

20 (2) In order to hold a winery license the licensee shall principally produce wine or cider in this
21 state.

22 (3) On and after July 1, 1990, a winery licensee is not authorized to import wine or cider in
23 bottles unless the brand of wine or cider is owned by the licensee.

24 (4) A winery licensee is authorized to ship not more than two cases of wine or cider per month
25 for personal use and not for resale, containing not more than nine liters per case to any resident
26 of this state who is at least 21 years of age. The shipping container of any wine or cider shipped
27 under this subsection must be clearly labeled to indicate that the container contains alcoholic
28 beverages and cannot be delivered to a person who is not at least 21 years of age or to a person
29 who is visibly intoxicated. Orders for shipments under this subsection may be taken by phone, mail
30 or any other form of communication.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (5)(a) Except as provided in paragraph (b) of this subsection, a winery licensee, or any person
2 having an interest in the licensee, may also hold a full on-premises sales license. If a person holds
3 both a winery license and a full on-premises sales license, nothing in this chapter shall prevent the
4 sale by the licensee of both distilled liquor and wine or cider bottled and produced under the winery
5 license.

6 (b) The commission may not issue a full on-premises sales license to a winery licensee under the
7 provisions of this subsection if the winery licensee, or any person having an interest in the licensee
8 or exercising control over the licensee, is a distillery, a brewery that brews more than 200,000 bar-
9 rels of malt beverages annually or a winery that produces more than 200,000 gallons of wine or cider
10 annually.

11 (6) More than one winery licensee may exercise the privileges of a winery license at a single
12 location. The commission may not refuse to issue a winery license to a person for the production
13 of wine or cider on specified premises based on the fact that other winery licensees also produce
14 wine or cider on those premises.

15 **SECTION 2. The amendments to ORS 471.223 by section 1 of this 2007 Act apply to all**
16 **winery licenses, whether issued before, on or after the effective date of this 2007 Act.**

17 **SECTION 3. This 2007 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
19 **on its passage.**

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